THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.15248 OF 2007

DATED: 19TH JULY, 2007.

Between :

Potharaju Subhash Rama Mohan Rao .. Petitioner

And

The Andhra Bank, rep. By its Authorised Officer,
Zonal Office, Kakinada,
E.G. District and others. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.15248 OF 2007

ORDER :

This writ petition is filed seeking to set aside the public auction dated 22.3.2007 conducted by the respondents 1 and 2 for sale of the house property belonging to the petitioner situated in RS.No.90/6A at Kondukuduru Village, Inavilli Mandal, East Godavari District as arbitrary and illegal.

The material on record shows that the sale was conducted by the respondents 1 and 2 invoking the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act') following due process of law in which the 3rd respondent herein was declared as the highest bidder. The petitioner does not dispute his liability to the 1st respondent-Bank. However, the petitioner who claims that he is still continuing in physical possession of the property in question contends that though he is ready and willing to repay the entire amount due, the respondents 1 and 2 are not accepting the same but on the other hand steps are being taken to dispossess him from the property in question.

Having heard the learned Counsel for the petitioner and having perused the material on record, I do not find any justifiable reason to hold that the impugned action of the respondents 1 and 2 suffers from any infirmity warranting interference by this Court under Article 226 of the Constitution of India.

As noted above, absolutely no case is made out to show that the

impugned action of the respondents 1 and 2 is in contravention of any statutory provision much less the same is mala fide or prompted by the extraneous considerations. Hence, the Mandamus as prayed for cannot be granted.

However, it is made clear that this shall not preclude the respondents 1 and 2 to consider the request of the petitioner if the same is permissible under law.

With the above observation, the Writ Petition is dismissed. No costs.

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G. ROHINI, J.

Dt. 19-7-2007

kgr